IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Bail Appl..No. 6537 of 2007()

[CRIME NO.357/07 OF MUNAMBAM POLICE STATION]

: PETITIONERS/ACCUSED

1. ROMIO, AGED 30 YEARS,
S/O.SUGUNAN, KUMMADATH HOUSE,
CHERAI KARA, CHERAI P.O., ERNAKULAM.

2. SUGUNAN, AGED 60 YEARS,
KUMMADATH HOUSE, CHERAI KARA,
CHERAI P.O., ERNAKULAM.

3. MANI, AGED 55 YEARS, W/O.SUGUNAN,
KUMMADATH HOUSE, CHERAI KARA,
CHERAI P.O., ERNAKULAM.

4. SANKAR, AGED 29 YEARS,
S/O.SUGUNAN, KUMMADATH HOUSE, CHERAI KARA,
CHERAI P.O., ERNAKULAM.

BY ADV. SRI.O.C.LAIJU
SRI.SALIM V.S.

RESPONDENTS: COMPLAINANTS

1. S.I. OF POLICE, MUNAMBAM.

2. STATE REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6537 of 2007

Dated this the 30th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband of the de facto complainant and his relatives. They are accused 1 to 4. They face allegations under Section 498A read with 34 I.P.C. The marriage had taken place on 29/4/2005. The spouses are not blessed with any children. There is strain in the matrimony. Spouses are residing separately now. The crime has been registered on the basis of the private complaint filed by the de facto complainant before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C.

2. The learned counsel for the petitioners prays, learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioners is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further note of that even as per the allegation, there is no external injury resulting from any physical cruelty. Appropriate conditions can of course be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 06/11/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 07/11/2007 and 08/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 06/11/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 06/11/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007